

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

MANUEL COOPER

PETITIONER

V.

CIVIL ACTION NO.: 3:14CV119-SA-RP

MARSHALL FISHER and

ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI

RESPONDENTS

ORDER

This matter is before the Court on remand from the Fifth Circuit Court of Appeals for an evidentiary hearing to determine whether Petitioner can establish facts in support of equitable tolling. As directed by the Fifth Circuit, the Court will hold a hearing and hear evidence relevant to (1) whether Petitioner's counsel, John R. McNeal, Jr., was paid in full to submit a state post-conviction application and a federal habeas application on Petitioner's behalf, (2) counsel's alleged misrepresentations to Petitioner regarding the status of his habeas proceedings, and (3) the reasonableness of Petitioner's reliance on those representations. A notice setting the hearing will issue separately.

SO ORDERED this 10th day of March, 2017.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE